

REMARKS

The Office Action of March 9, 2004, has been carefully considered.

It is noted that claim 21 is rejected under 35 U.S.C. §112, first paragraph.

Claims 8, 10, 18 and 20 are rejected under 35 U.S.C. §103(a) over Yoshikawa in view of the patent to Hein.

Claims 11, 12 and 15 are rejected under 35 U.S.C. §103(a) over Yoshikawa in view of Hein, and further in view of the patent to Lane.

Claims 9, 12-17 and 19 are rejected under 35 U.S.C. §103(a) over Yoshikawa in view of Hein, and further in view of the patent to Loiodice.

In view of the Examiner's rejections of the claims, Applicant has canceled claim 21.

With the cancellation of claim 21, it is respectfully submitted that the rejection of this claim under 35 U.S.C. §112, first paragraph, is overcome and should be withdrawn.

It is respectfully submitted that claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Both Yoshikawa and Hein have been discussed in detail in previously submitted Amendments. Applicant maintains that those arguments remain applicable and incorporates them herein by reference. The following additional comments are also provided.

The elevator of Yoshikawa is a cable elevator having two U-shaped guide rails 15. Each guide rail 15 includes a first guide 15c and a second guide 15d. Both guides are continuously connected by a flange part 15a or 15b. This is in contrast to the presently claimed invention where the guides are not continuously connected. The first guides 15c are arranged in parallel in the first vertical plane and the second guides 15d are arranged in parallel in the second vertical

plane parallel to and spaced from the first plane. A cage is movably arranged on the first guides 15c and a counterweight is movably arranged on the second guides 15d. A drive engine 3 that includes a traction pulley 7 is arranged on an engine mount 21. The engine mount 21 is, according to Yoshikawa, fixed “on the top part 15e of the guide rail 15.”

There is no precise definition given of the meaning of the phrase “on the top part 15e of the guide rail 15.” Furthermore, there is no explanation of how and where the engine mount 21 is fixed. In particular, the reference number 15e is not shown in the drawings and the details of the top part 15e are not further explained in the reference. Furthermore, in accordance with Figures 2 and 3, the engine mount 21 is in contact with the wall of the elevator pathway 1 which indicates that the engine mount 21 may be fixed to the wall. In addition, it is not shown that the engine mount 21 is fixed at any of the first or second guides 15c or 15d.

Additionally, Yoshikawa teaches that the “drive unit 3 and the vertical load and the like applied on the drive unit 3 are supported on the guide rail 15 so that the load applied on a building is decreased” (see last five lines at the bottom of page 4 of the English translation). The fact that the load applied on the building is only “decreased” (and then not zero) indicates that the weight force of the drive, the cage and the counter weight is not conducted to a shaft floor exclusively via the guide 15 or the guides 15c and 15d, as in the presently claimed invention. It is also worth nothing that in this context, the rail 15 is “fixably attached to the elevator pathway 1” (see page 4, second paragraph) and the engine mount is in contact with the pathway 1. Thus, the walls of the pathway 1 should not be loaded.

The patent to Hein shows an cable elevator having a pair of first parallel guides 36 for guiding a cage 10 and a pair of second parallel guides 37 for guiding two counterweights 24, i.e.,

one counterweight at each guide 37 (see Figures 3 and 4). The guides 36 and 37 are discontinuously connected by means of brackets 34. However, the elevator comprises a drive engine 26 which is fixed at the cage 10, contrary to the presently claimed invention. Thus, an engine mount fastened to the first guides and to the second guides is not shown by Hein. Overhead pulleys 22 for guiding a rope which is connected to one of the counterweights 24 in the cage 10 are fixed at the upper ends of the guides 37. Thus, the weight forces being attributed to the drive engine 26, the cage 10 and the counterweights are basically compensated by the guides 37. The guides 36 only serve for guiding the cage 10 and the rollers 38 and 40, and a traction wheel 30 of the drive engine 26. This is contrary to the presently claimed invention since the cable elevator in accordance with the present invention includes an engine mount that is fastened to two pairs of guides and on which a drive engine is mounted so that the weight force of the drive, the cage and the counterweight is conducted to the shaft floor exclusively via the two pairs of guides.

The Examiner combined these references in determining that independent claim 8 would be unpatentable over such a combination. Although Yoshikawa discloses a drive engine which is mounted on an engine mount and Hein discloses first and second parallel guides that are discontinuously connected, Applicant respectfully submits that a person skilled in the art would not fasten the engine mount to the first guides and to the second guides when combining the teaching of Yoshikawa with the teaching of Hein. Yoshikawa does not indicate that the engine mount should be individually fastened to the first guides and to the second guides as well. Hein teaches that the drive engine should be mounted at the cage. Neither Yoshikawa nor Hein suggest that the engine mount should be fastened to the first guides and to the second guides so

that a weight force of the drive, the cage and the counterweight is conducted to the shaft floor exclusively via the two pairs of guides, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 8, 10, 18 and 20 under 35 U.S.C. §103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

As for the remaining references which were cited against various of the dependent claims in combination with the previously discussed references, these have also been considered. Since they do not come closer to the currently claimed subject matter than the references discussed above, it is believed that any detailed comments thereon at this time would be superfluous. Thus, it is respectfully submitted that the rejections of claims 9, 11-17 and 19 under 35 U.S.C. §103(a) are overcome and should be withdrawn.

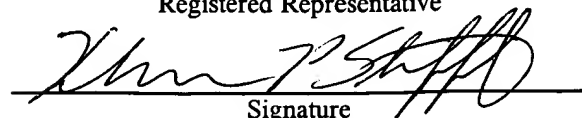
Reconsideration and allowance of the present application are respectfully requested.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 9, 2004:

Klaus P. Stoffel

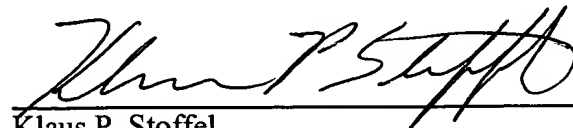
Name of applicant, assignee or
Registered Representative



Signature
June 9, 2004

Date of Signature

Respectfully submitted,



Klaus P. Stoffel

Registration No.: 31,668

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

KPS:sks